



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,925	12/05/2001	Carl Phillip Gusler	AUS920011013US1	9805
7590	01/27/2006		EXAMINER	
Duke W. Yee Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

JAN 27 2006

Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 10/004,925

Filing Date: December 05, 2001

Appellant(s): GUSLER ET AL.

Gerald H. Glanzman, Reg. No. 25,035  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 18 November 2005  
appealing from the Office action mailed 5 July 2005.

Art Unit: 2143

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

Art Unit: 2143

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2002/0004907                    DONAHUE                    01-2002

2002/0032770                    FERTELL ET AL            03-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 2143

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 7, 8, 11, 17, 18, 21, 27, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0004907 A1 to Donahue.

Regarding claim 1, Donahue discloses a method of monitoring use of an instant messaging user account, comprising:

receiving an instant message from a destination user (referred to within the reference as "chat session"; paragraph 0004);

Art Unit: 2143

storing the transcript of the received instant message in a storage device in response to determining that the transcript is desired; (paragraph 0011)

analyzing ("processing") the transcript for occurrences of questionable content to thereby identify at least one portion of the transcript having questionable content; (paragraphs 0015, 0016 and 0018) and

providing the at least one portion of the transcript to a designated monitor of the instant messaging source user account ("user"). (paragraph 0006, last sentence)

Donahue does not expressly disclose searching a registry that identifies a set of approved destination users to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if the destination user is identified in the registry as being an approved destination user, and wherein the transcript is desired if the destination user is not identified in the registry as being an approved destination user, however, Donahue does disclose searching a registry that identifies text to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if the text is identified in the registry as being an approved text, and wherein the transcript is desired if the destination user is not identified in the registry as being

Art Unit: 2143

an approved text (paragraph 0017 and 0021). Donahue also contemplates wherein chat sessions are to be monitored with the present invention (paragraph 0004 and 0006). Donahue also discloses that any text may be used to determine if a transcript of the received instant message is desired (paragraph 0015 and 0016) and that the text may include a destination user's name or electronic address (paragraph 0023-0025, specifically "From: "John Doe" <johndoe@company-a.net>")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Donahue to have a registry of destination users to determine if a transcript of the received instant message is desired since Donahue discloses that destination users are part of the text of a communication message (paragraph 0023-0025, specifically "From: "John Doe" <johndoe@company-a.net>") and discloses that instant messages are contemplated to be used with the invention (see above). Also, Donahue discloses that the determining can be accomplished by setting a threshold value of a regular expression which may include any text including a source user and a destination user and that when the threshold value is met, a transcript is desired (paragraph 0021). Therefore, one of ordinary skill in the art would have found it obvious that by setting the initial threshold value to a high enough value to

Art Unit: 2143

where any communication message is saved by basing the initial threshold value to the desired source user account name or electronic address which is stored within the registry and that when a destination user is identified, a negative threshold value (paragraph 0019) is used to bring the threshold value below the threshold so that the communication message is not saved. Therefore, it would have been obvious to achieve the limitations of the claim.

Regarding claim 7, Donahue discloses the method of claim 1, wherein providing the at least one portion of the transcript to a designated monitor includes generating a web page through which the at least one portion of the transcript is provided to the designated monitor. (paragraph 0028)

Regarding claim 8, Donahue discloses the method of claim 1, further comprising:

identifying at least one transcript characteristic ("category") of the transcript; updating at least one instant messaging account characteristic ("keyword match") based on the at least one transcript characteristic; (paragraphs 0015 and 0016) and

providing the at least one instant messaging account characteristic to the designated monitor of the instant messaging source user account. (paragraph 0028)

Art Unit: 2143

Claims 11, 17, and 18 are rejected since these claims recite an apparatus that contain substantially the same limitations as recited in claims 1, 7, and 8 respectively.

Claims 21, 27, and 28 are rejected since these claims recite a computer program product that contain substantially the same limitations as recited in claims 1, 7, and 8 respectively.

Claims 2-6, 10, 12-16, 20, 22-26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donahue.

Regarding claim 2, Donahue discloses the method of claim 1.

Donahue does not expressly disclose wherein the method is implemented in an instant messaging service provider of a distributed data processing system, however, Donahue does disclose wherein the method may be implemented anywhere where the monitoring is able to be implemented (paragraph 0006, the sentence "The present invention monitors...")

It would have been obvious to one skilled in the art at the time the invention was made to implement the method in an instant messaging service provider because the Applicant has not disclosed that using the limitation undisclosed in Donahue provides any sort of an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the method described in Donahue as

Art Unit: 2143

recited in the claim because, in view of the disclosures of Donahue, the method may be implemented anywhere where the communication may be monitored and it would have been obvious to have the method execute anywhere within a network system as the method would work equally well regardless of where the method is implemented.

Regarding claim 3, Donahue discloses the method of claim 1.

Donahue does not expressly disclose wherein the method is implemented in a network service provider of a distributed data processing system, however, Donahue does disclose wherein the method may be implemented anywhere where the monitoring is able to be implemented (paragraph 0006, the sentence "The present invention monitors...")

Claim 3 is rejected since the motivations regarding the obviousness of claim 2 also apply to claim 3.

Regarding claim 4, Donahue discloses the method of claim 1.

Donahue does not expressly disclose wherein the method is implemented in a client device of a distributed data processing system, however, Donahue does disclose wherein the method may be implemented anywhere where the monitoring is able to be implemented (paragraph 0006, the sentence "The present invention monitors...")

Claim 4 is rejected since the motivations regarding the obviousness of claim 2 also apply to claim 4.

Regarding claim 5, Donahue discloses the method of claim 1.

Donahue does not expressly disclose wherein providing the at least one portion of the transcript to a designated monitor includes transmitting the at least one portion of the transcript as an attachment to an electronic mail message, however, Donahue does disclose providing the at least one portion of the transcript to a designated monitor by transmitting the at least one portion of the transcript as a web page or other means (paragraph 0006, last sentence; paragraphs 0028 and 0029).  
Donahue also contemplates the use of attachments within an email (paragraph 0014, specifically the sentence "For instance, email may contain...")

It would have been obvious to one skilled in the art at the time the invention was made to use the method of transmitting the at least one portion of the transcript by a web page because the Applicant has not disclosed that using the limitation undisclosed in Donahue provides any sort of an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the method of transmitting described in Donahue as recited in the claim

Art Unit: 2143

because the transcript can be received by the user regardless of the manner the transcript is sent.

Regarding claim 6, Donahue discloses the method of claim 5.

Donahue does not disclose wherein the electronic mail message is transmitted in response to a request from the designated monitor, however, Donahue does disclose wherein the at least one portion of the transcript is transmitted in response to a request from the designated monitor (paragraph 0006, last sentence; paragraph 0028)

Claim 6 is rejected since the motivations regarding the obviousness of claim 5 also apply to claim 6.

Regarding claim 10, Donahue discloses the method of claim 1.

Donahue does not expressly disclose wherein analyzing the transcript includes filtering for text including at least one of proper names, addresses and phone numbers, however, Donahue does disclose wherein analyzing the transcript includes filtering for text (paragraphs 0017 and 0018), Donahue discloses that any text may be filtered (paragraphs 0015, the sentences "The remainder..." and "This allows the language elements...").

It would have been obvious to one skilled in the art at the time the invention was made to use the method of analyzing the transcript by filtering for any text because the Applicant has

Art Unit: 2143

not disclosed that using the limitation undisclosed in Donahue provides any sort of an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the method of filtering described in Donahue as recited in the claim because any text may be filtered regardless of the sort or type of text to be filtered in view of the disclosures of Donahue.

1. Claims 9, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donahue as applied to claim 1 above, and further in view of US Patent Application Publication 2002/0032770 to Fertell et al.

Regarding claim 9, Donahue discloses the method of claim 8.

Donahue does not disclose wherein the at least one instant messaging account characteristic includes at least one of a ranked list of user identifications for most frequent incoming instant messages, a ranked list of user identifications for most frequent outbound target user identifications, a ranked list of most frequent recent incoming or outbound user identifications, a date/time distribution of instant messages that provides contact patterns for a particular user identification, and tracking of the contact patterns for the particular user identification, however, Donahue does disclose a instant

Art Unit: 2143

messaging account characteristic ("keyword match"; paragraphs 0015 and 0016). Donahue also suggests that other instant messaging account characteristics may be used (paragraph 0028, the sentences "To enhance ease-of-use..." and "In addition, all bar graph...")

Fertell discloses a instant messaging account characteristic which includes a date/time distribution of instant messages (paragraphs 0010 and 0035).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Fertell discloses that using a date/time distribution enables a date/time reference to be stored with the transcript ("log") (paragraph 0035, last paragraph). In view of these specific advantages and that both references are directed to monitoring use an instant messaging account, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor.

Claims 19 and 29 are also rejected since these claims recite an apparatus and computer program product that contain substantially the same limitations as recited in claim 9.

Art Unit: 2143

**(10) Response to Argument**

Regarding Argument A, the Applicant argues that Donahue does not teach or suggest searching a registry that identifies a set of approved destination users to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if the destination user is identified in the registry as being an approved destination user, and wherein the transcript is desired if the destination user is not identified in the registry as being an approved destination user as recited in claims 1, 11, and 21. The Examiner submits that, in view of the teachings and suggestions as disclosed in Donahue, these limitations would have been obvious to one of ordinary skill in the art and a prima facie case of obviousness has been established based on upon the teachings and suggestions of Donahue and the level of knowledge of one of ordinary skill in the art.

As explained earlier by the Examiner, Donahue expressly discloses searching a registry or "log" as disclosed in Donahue that identifies text or "regular expressions" and "weighted key phrases" which, at least in paragraph 0024 of Donahue, includes text within the "regular expression", to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if text is identified in the

Art Unit: 2143

registry as being approved text, and wherein the transcript is desired if the text is not identified in the registry as being approved text (paragraph 0017 and 0021) or "When a log is examined, the sum of all values associated with each matching key phrase or regular expression is compared with the value for the category. If the sum meets or exceeds the category value, the file is considered a match for that category...The log is searched for the weighted regular expressions in the order defined by the category definition...Once a category's threshold value is met or exceeded, the search is stopped and the log is saved.") .

Donahue also contemplates wherein chat sessions are to be monitored with the present invention (paragraph 0004 and 0006, specifically "The present invention utilizes a method of weighted regular expressions to perform language analysis, categorize the monitored data and report deviations from a company's acceptable use policy...It stores any TCP/IP sessions (Examiner's note: including "chat sessions" discussed in Donahue in paragraph 0004) that match the criteria selected by the user from either predefined categories or user defined keywords. The stored sessions can then be views, downloaded, and/or deleted by the user."). The Applicant also concedes that Donahue does teach

Art Unit: 2143

monitoring a chat session when discussing claims 2, 12, and 22 in Argument B2.

Donahue also discloses that any text may be used to determine if a transcript of the received instant message is desired (paragraph 0015 and 0016, specifically "each log...is then processed by the "categorize" subroutine...The remainder, i.e., text containing language elements, is stored as a string of language elements separated by spaces. This allows the language elements or text to be effectively searched regardless of its original formatting."). Donahue also discloses that the text may include a destination user's name or electronic address (paragraph 0023-0025, specifically "From: "John Doe" <johndoe@company-a.net>")

The Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Donahue to have a registry of destination users to determine if a transcript of the received instant message is desired since Donahue discloses that destination users are part of the text of a communication message (paragraph 0023-0025, specifically "From: "John Doe" <johndoe@company-a.net>") and discloses that instant messages are contemplated to be used with the invention (see above). Also, Donahue discloses that the determining can be accomplished

Art Unit: 2143

by setting a threshold value of a regular expression which may include any text including a source user and a destination user and that when the threshold value is met, a transcript is desired (paragraph 0021). Therefore, one of ordinary skill in the art would have found it obvious that a user may set the initial threshold value to a high enough value to where any communication message is saved by basing the initial threshold value to the desired source user account name or electronic address which is stored within the registry and, when a destination user is identified, a negative threshold value (paragraph 0019) is used to bring the threshold value below the threshold so that the communication message is not saved.

In other words, within the disclosures of Donahue, it is possible to have a user-defined "category" which, when the registry or "log" is examined, any occurrences of a destination user's name is assigned a negative threshold value wherein the "log" is never saved for inspection by the designated monitor or "user", thereby creating an "approved" destination user. If any other destination user is examined, this unknown destination user will not have an assigned category and, therefore, the log will be saved for inspection by the user. Therefore, it was well within the level of knowledge of one of ordinary skill in the art at the time the invention was made that the claimed "wherein

Art Unit: 2143

the transcript is not desired if the destination user is identified in the registry as being an approved destination user, and wherein the transcript is desired if the destination user is not identified in the registry as being an approved destination user" can be achieved by assigning "approved" destination users categories containing negative threshold values where any messages sent by the user are never saved.

Since all of the claim limitations of the claims have been taught or suggested by Donahue, there would have been a reasonable expectation of success based on the suggestions of Donahue and the knowledge of one of ordinary skill in the art, and the suggestions of Donahue as outlined above and the knowledge of one of ordinary skill in the art would have suggested to one of ordinary skill to modify the teachings of Donahue, the Examiner submits that a prima facie case of obviousness has been established and the claims would have been obvious to one of ordinary skill in the art at the time the invention was made.

Regarding Argument B1, the Applicant argues that since Donahue does not teach or suggest the features as recited in independent claims 1, 11, and 21, Donahue does not teach or suggest the features of claims 2-6, 10, 12-16, 20, 22-26, and 30 at least by virtue of their respectively dependency from the

Art Unit: 2143

independent claims. As shown above by the Examiner, since claims 1, 11, and 21 are unpatentable in view of the teachings and suggestions of Donahue, the Examiner submits that claims 2-6, 10, 12-16, 20, 22-26, and 30 are also unpatentable based solely on their dependency from claims 1, 11, and 21.

Regarding Argument B2, the Applicant argues that Donahue does not teach or suggest that the method is implemented in an instant message service provider of a distributed data processing system as recited in claims 2, 12, and 22. Again, in view of the teachings and suggestions as disclosed in Donahue, the Examiner submits that these limitations would have been obvious to one of ordinary skill in the art and a prima facie case of obviousness has been established based on upon the teachings and suggestions of Donahue and the level of knowledge of one of ordinary skill in the art. Donahue discloses wherein the method may be implemented anywhere where the monitoring is able to be implemented (paragraph 0006, the sentence "The present invention monitors..."). The Applicant concedes that Donahue does teach monitoring a chat session. The Examiner submits that it was well within the knowledge of one of ordinary skill in the art at the time the invention was made that a chat or instant messaging service includes an instant messaging service provider which provides the service to clients on a

Art Unit: 2143

network. Therefore, since Donahue expressly suggests that the method may be implemented anywhere within a network system, one of ordinary skill in the art would have recognized that the method could be implemented on an instant messaging service provider and that implementing the method on any network element as suggested by Donahue would be substantially equivalent to placing the method at the instant messaging service provider.

Since all of the claim limitations of the claims have been taught or suggested by Donahue, there would have been a reasonable expectation of success based on the suggestions of Donahue and the knowledge of one of ordinary skill in the art, and the suggestions of Donahue as outlined above and the knowledge of one of ordinary skill in the art would have suggested to one of ordinary skill to modify the teachings of Donahue, the Examiner submits that a prima facie case of obviousness has been established and the claims would have been obvious to one of ordinary skill in the art at the time the invention was made.

Regarding Argument B3, the Applicant argues that Donahue does not teach or suggest providing the at least one portion of the transcript to a designated monitor includes transmitting the at least one portion of the transcript as an attachment to an electronic mail message as recited in claims 5, 15, and 25.

Art Unit: 2143

Again, in view of the teachings and suggestions as disclosed in Donahue, the Examiner submits that these limitations would have been obvious to one of ordinary skill in the art and a prima facie case of obviousness has been established based on upon the teachings and suggestions of Donahue and the level of knowledge of one of ordinary skill in the art. Donahue does disclose providing the at least one portion of the transcript to a designated monitor by transmitting the at least one portion of the transcript as a web page or other means (paragraph 0006, last sentence; paragraphs 0028 and 0029). Donahue also contemplates the use of attachments within an electronic mail message (paragraph 0014, specifically the sentence "For instance, email may contain...")

It was within the knowledge of one of ordinary skill in the art at the time the invention was made to attach any sort of data including text as an electronic mail message attachment at least based on the teachings of Donahue notwithstanding that this was also within the general knowledge of one of ordinary skill. Therefore, since Donahue expressly discloses providing the at least one portion of the transcript to a designated monitor by transmitting the at least one portion of the transcript as a web page or other means and the use of attachments as they are known within the art with email, one of

Art Unit: 2143

ordinary skill in the art would have found it obvious to send at least a portion of the transcript to a designated monitor by sending the transcript as an electronic mail message based on the suggestion that the transcript may be sent by other means and would have recognized that sending the transcript as an electronic mail message attachment to the designated monitor would be substantially equivalent to sending the transcript by a web page or other means as expressly disclosed in Donahue.

Furthermore, within Argument B4, the Applicant concedes that an email may contain multiple documents in the form of attachments.

Since all of the claim limitations of the claims have been taught or suggested by Donahue, there would have been a reasonable expectation of success based on the suggestions of Donahue and the knowledge of one of ordinary skill in the art, and the suggestions of Donahue as outlined above and the knowledge of one of ordinary skill in the art would have suggested to one of ordinary skill to modify the teachings of Donahue, the Examiner submits that a prima facie case of obviousness has been established and the claims would have been obvious to one of ordinary skill in the art at the time the invention was made.

Regarding Argument B4, the Applicant argues that Donahue does not teach or suggest that the electronic mail message is

Art Unit: 2143

transmitted in response to a request from the designated monitor as recited in claims 6, 16, and 26. Again, in view of the teachings and suggestions as disclosed in Donahue, the Examiner submits that these limitations would have been obvious to one of ordinary skill in the art and a *prima facie* case of obviousness has been established based on upon the teachings and suggestions of Donahue and the knowledge of skill of one of ordinary skill in the art. Donahue expressly discloses wherein the at least one portion of the transcript is transmitted in response to a request from the designated monitor (paragraph 0006, last sentence; paragraph 0028). In view of the reasons regarding the obviousness of claims 5, 15, and 25, the Examiner submits that claims 6, 16, and 26 would have been obvious to one of ordinary skill in the art at the time the invention was made for at least the same reasons as shown above wherein the transcript is sent by other means such as an electronic mail message in view of the express disclosure in Donahue that the at least one portion of the transcript is transmitted in response to a request from the designated monitor.

Since all of the claim limitations of the claims have been taught or suggested by Donahue, there would have been a reasonable expectation of success based on the suggestions of Donahue and the knowledge of one of ordinary skill in the art,

Art Unit: 2143

and the suggestions of Donahue as outlined above and the knowledge of one of ordinary skill in the art would have suggested to one of ordinary skill to modify the teachings of Donahue, the Examiner submits that a *prima facie* case of obviousness has been established and the claims would have been obvious to one of ordinary skill in the art at the time the invention was made.

Regarding Argument B5, the Applicant argues that Donahue in view of Fertell do not teach or suggest individually or in combination at least one instant messaging account characteristic includes at least one of a ranked list of user identifications for most frequent incoming instant messages, a ranked list of user identifications for most frequent outbound target user identifications, a ranked list of most frequent recent incoming or outbound user identifications, a date/time distribution of instant messages that provides contact patterns for a particular user identification, and tracking of the contact patterns for the particular user identification as recited in claims 9, 19, and 29. The Examiner submits that Donahue in view of the teachings of Fertell do disclose these limitations, it would have been obvious to one of ordinary skill in the art and a *prima facie* case of obviousness has been established based on upon the teachings and suggestions of

Art Unit: 2143

Donahue and the knowledge of skill of one of ordinary skill in the art.

As noted in the rejection, Donahue does not disclose the limitations as recited in claims 9, 19, and 29, however, Donahue does disclose a instant messaging account characteristic ("keyword match"; paragraphs 0015 and 0016). Donahue also suggests that other instant messaging account characteristics may be used (paragraph 0028, the sentences "To enhance ease-of-use..." and "In addition, all bar graph..."). Fertell expressly discloses an instant messaging account characteristic which includes a date/time distribution of instant messages (paragraphs 0010 and 0035).

Since claims 9, 19, and 29 already recite wherein a transcript is saved based upon a particular user identification as recited in independent claims 1, 11, and 21 and that the transcript is checked for characteristics that are used to update an instant messaging account characteristic as recited in claims 8, 18, and 18 from which claims 9, 19, and 29 depend, and Fertell expressly discloses wherein the instant messaging account characteristic which includes a date/time distribution of instant messages is accomplished by associating a timestamp with a transcript or "log" as disclosed in Fertell of a instant message session (paragraphs 0010, 0035, and 0039). Since it has

Art Unit: 2143

been shown above by the Examiner that, in view of the teachings and suggestions of Donahue, a transcript is desired and therefore saved every time when a destination user sends a instant message is not in a registry of approved users as recited in claim 1 and that a instant messaging characteristic is updated every time a transcript is received and analyzed, the teachings of Fertell that associating a timestamp with a transcript would have suggested to one of ordinary skill at the time the invention was made that, every time a transcript is saved with a timestamp, the designated monitor would be able to view each transcript at each time it was saved, providing a date/time distribution of instant message showing contact patterns for a particular user identification such as the destination user.

Since all of the claim limitations of claims 9, 19, and 29 have been taught or suggested by Donahue and Fertell, there would have been a reasonable expectation of success of the combination of the teachings of Donahue and Fertell since both references are directed to monitoring use an instant messaging account, and Fertell discloses that using a date/time distribution enables a date/time reference to be stored with the transcript or "log" which would have motivated one of ordinary skill to combine the teachings of these references, the Examiner

Art Unit: 2143

submits that a *prima facie* case of obviousness has been established and the claims would have been obvious to one of ordinary skill in the art at the time the invention was made.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2143

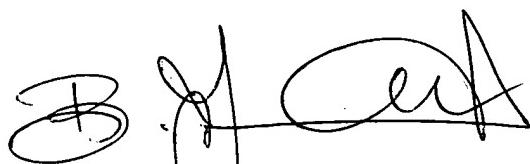
For the above reasons, it is believed that the rejections  
should be sustained.

Respectfully submitted,

Examiner George Neurauter

Art Unit 2143

/gcn/



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100